RESERVED

Civil Petition no. 1259 (M/S) of 2002

Sushil Kumar ---------- Petitioner

Versus

IIF.T.C./ Addl. District Judge Haridwar and others---------- Respondents

Hon'ble M.M. Ghildiyal J.

This petition has been filed by the petitioner for direction to respondent no.1 II F.T.C./ Addl. District Judge Haridwar to decide miscellaneous civil appeal no.137 of 2001 Sushil Kumar and others Vs. M/s Meghraj Sitaram and others.

Heard learned counsel for the petitioner.

The petitioner has submitted that he had filed a suit for partition bearing suit no.31 of 2001 Sushil Kumar and others Vs. M/s Meghraj Sitaram and others in the court of Civil Judge (SD) Haridwar. He also filed application for interim injunction and an application for appointment of receiver. Learned Civil Judge (SD) vide his order dated 4.10.2001 rejected the application for interim injunction as well as for appointment of receiver.

Aggrieved from the order of Civil Judge (SD) dated 4.10.2001, the petitioner has filed miscellaneous appeal no. 137 of 2001 Sushil Kumar and others Vs. M/s Meghraj Sitaram and others before the District Judge, Haridwar. The said appeal was admitted on 7.11.2001 and the same is now pending before respondent no.1. The petitioner has further contended that the parties have been served. The respondents are seeking adjournments and the appeal could not be decided. Learned counsel for the petitioner has confined his prayer to issue direction to the respondent no. 1 to decide the appeal expeditiously. The respondent no.1 is directed to decide the appeal expeditiously.

With these observations the writ petition is disposed of finally. No order as to the costs.

February 17, 2003 **(M.M. Ghildiyal, J.)**
MPS